

APPENDIX.**ANNOTATED CODE OF MARYLAND, 1939****ARTICLE 81.—Revenue and Taxes—Appeals**

191. Any taxpayer, any city, or the Attorney General on behalf of the State, or a supervisor of assessments as provided in Section 184¹ of this Article, claiming to be aggrieved because of any assessment or classification, or because of any increase, reduction, abatement, modification, change or alteration or failure or refusal to increase, reduce, abate, modify or change any assessment, or because of any classification or change in classification, or refusal or failure to make a change, by the County Commissioners, the Appeal Tax Court of Baltimore City or the assessing authorities of any other city, may by petition appeal to the State Tax Commission therefrom, and the State Tax Commission shall hear and determine all such appeals within sixty days from the entry thereof with said Commission. Such appeal to the State Tax Commission shall be taken either (a) within thirty days after the date of the action or failure or refusal to act complained of, or (b) if an address shall have been filed with the County Commissioners or the Appeal Tax Court by any person or corporation demanding a hearing as in the next preceding section provided, then by the person giving such address within thirty days from the date of the mailing of the notice of the action by the County Commissioners or the Appeal Tax Court to the person and address so given. No appeal on behalf of a taxpayer shall be allowed under this section from a failure or refusal to abate, reduce or reclassify an existing assessment unless application in writing for such action shall have been filed by the appellant with the assessing authority appealed from within the time limited for the filing of a demand for a hearing by Section 190 of this Article.

1929, ch. 226, sec. 184.

192. A petition of appeal provided for in the last preceding section shall set forth that the assessment or classification is illegal, specifying the ground of alleged illegality, or is erroneous by reason of over-valuation or under-valuation, or that the assessment is unequal in that it has been made

¹ Sec. 177 evidently intended.

at a higher proportion of value than other property of the same class, or said petition may assign any other errors which may exist in the particular case for which an appeal is allowed, and on account of which petitioner claims to be injured. A summons, as well as a subpoena duces tecum, shall issue from the State Tax Commission for the defendant named in such appeal requiring it to produce at the hearing before the Commission the record of its proceedings as well as all maps, plats, documents and other papers connected with the record, and the record, or a copy of the record when properly certified by the signatures of the assessing authority shall be evidence before said Commission in the hearing. The State Tax Commission shall have full power to hear, try and determine the matter, and may require all defendants, their clerks and surveyors, or other agents as they may deem necessary, to attend and examine them on oath or affirmation and may permit or require all such explanations, amendments and additions to be made to any of the proceedings, including the petition of appeal, as it shall determine, so that the case may be properly heard and determined. The said Commission shall not be bound by the technical rules of evidence; but at the request of any party and at his expense all evidence, testimony of facts on which said Commission may act and on which its decision shall be based shall be reduced to writing and filed among the records of the Commission relating to said appeal. The said Commission is empowered to assess anew, classify anew, abate, modify, change or alter any assessment or classification appealed from, provided that in the absence of any affirmative evidence to the contrary, or of any error apparent on the face of the proceedings the assessment or classification appealed from shall be affirmed. The said Commission shall cause its decision on all appeals to be made within the time prescribed and to be certified by its Secretary under the seal of said Commission to the assessing authorities from which the appeal was taken, and to all other parties to said appeal; and such decision shall be final and conclusive in every respect unless an appeal be taken to court as hereinafter provided.

194.(a) Any taxpayer, any city, the County Commissioners of any county, or the Attorney General on behalf of the State, may appeal from the decisions of the State Tax Commission, in the exercise of its appellate jurisdiction on questions of law only, to the Circuit Court of any county or

the Baltimore City Court of Baltimore City, in which the property or any part of the property the assessment of which is involved may be situated, or in which the taxpayer may reside or be taxable in respect thereto or in which the office of the Commission may be situated. Such appeals shall be taken within thirty days from the date of the decision of the Commission complained of, by petition setting forth the question or questions of law which it is desired by the appellant to review, and notice thereof shall be given by summons or subpoena, duly served on all parties directly in interest, by the sheriff of the county or city in which said appeal is filed. There shall be a further right of appeal to the Court of Appeals from any decision of the Circuit Court of the county, or the Baltimore City Court of Baltimore City, as the case may be. Such appeals must be taken within ten days of the final judgment or determination of the lower Court; and the Court of Appeals shall immediately hear and determine such appeal.

Income Tax

1937 (Sp. S.) ch. 11, sec. 215, 1939, ch. 277, sec. 215.

222. (Definitions.) For the purposes of this sub-title and unless otherwise required by the context:

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(i) "Resident" means an individual domiciled in this State on the last day of the taxable year, and every other individual who, for more than six months of the taxable year, maintained a place of abode within this State whether domiciled in this State or not; but any individual who, on or before the last day of the taxable year, changes his place of abode to a place without this State, with the *bona fide* intention of continuing to abide permanently without this State, shall be taxable the same as a non-resident is taxable under this sub-title. The fact that a person who has changed his place of abode, within six months from so doing, again resides within this State, shall be *prima facie* evidence that he did not intend to have his place of abode permanently without this State. Every individual other than a resident shall be deemed a non-resident."

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(n) "Investment income" means that portion of the gross income which is derived from dividends, ground rents, an-

nuity income and interest, but shall not include interest earned in the conduct of a business on (1) loans made under the provisions of Article 58A of the Annotated Code of Maryland, (2) business accounts and notes receivable, or (3) instalment contracts.

(o) "Ordinary income" means that portion of the gross income which is not investment income.

1937, ch. 277, sec. 223.

230. (Imposition of Tax.) (a) There is hereby annually levied and imposed for each taxable year a tax on the net income of every resident individual of this State and on the net income, taxable in this State, of every individual not a resident of this State. Such tax shall be computed by adding 6% of the investment income to $2\frac{1}{2}\%$ of the ordinary income, and subtracting from the amount thus arrived at $2\frac{1}{2}\%$ of the sum of the deductions allowed by Section 224 hereof (as limited by Section 225 hereof) and the personal exemptions allowed by Section 228 hereof.

1939, Ch. 277, Sec. 224

231. (Credit Against Tax Allowed Residents) Whenever a resident individual of this State has become liable for income tax to another State upon such part of his net income for the taxable year as is properly subject to taxation in such State, the amount of income tax payable by him under this sub-title shall be reduced by the amount of the income tax so paid by him to such other State upon his producing to the Comptroller satisfactory evidence of the fact of such payment; but application of such credit shall not operate to reduce the tax payable under this sub-title to an amount less than would have been payable if the income subjected to tax in such other State were ignored. The credit provided for by this section shall not be granted to a taxpayer when the laws of such other State allow a credit to such taxpayer substantially similar to that granted by Section 225 hereof.

1939, Ch. 277, Sec. 225

232. (Credit Against Tax Allowed Non-Residents.) Whenever an individual not a resident of this State has

become liable for income tax to the State where he resides upon his income for the taxable year including that taxable in this State, the amount of income tax payable by him under this sub-title shall be credited with such proportion of the tax so payable by him to the State where he resides, as his net income subject to taxation under this sub-title bears to his entire income upon which the tax so payable to such other State was imposed; but such credit shall be allowed only if the laws of said State (a) grant a substantially similar credit to residents of this State subject to income tax under such laws, or (b) impose a tax upon the income of its residents subject to taxation in this State and exempt from taxation the income of residents of this State. No credit shall be allowed against the amount of the tax on any income taxable under this sub-title which is exempt from taxation under the laws of such other State.

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1939, ch. 277, Sec. 240.

247. (Revisions And Appeals.) As soon as practicable after each return is received, the Comptroller shall examine and audit it. If the amount of tax computed by the Comptroller shall be greater than the amount returned by the taxpayer, the excess shall be assessed by the Comptroller (within three years from the date the return was originally due or filed, except in the case of failure to file a return or of a fraudulent or incomplete return in which case the excess may be assessed at any time), and a notice of such assessment shall be mailed to the taxpayer. In the event the taxpayer is dissatisfied with his assessment, he may within 30 days from the date of notice, appeal to the State Tax Commission, and upon such appeal being noted on all papers relating to the assessment shall be transmitted by the Comptroller to the State Tax Commission. The State Tax Commission shall set a date within a reasonable time for public hearing, and, on the basis of the law and the facts the State Tax Commission shall sustain the original assessment or make a new assessment. The determination by the State Tax Commission shall be *prima facie* evidence of the amount of tax due, and the State Tax Commission shall give the taxpayer written notice of the assessment of tax, interest and penalties. Nothing herein shall prevent the taxpayer from appealing from the finding of the State

Tax Commission in the manner provided by law for appeals from said Commission in the exercise of its appellate jurisdiction, and the provisions of Sections 194 *et seq.* of this article are hereby made applicable in the enforcement of this sub title.

APPENDIX.

The Public Salary Tax Act of 1939, U. S. C. A., Title 5, Sec. 84(a); (C. 59, 53 Stat. 575, Title 1, Sec. 4)

Section 4. The United States hereby consents to the taxation of compensation, received after December 31, 1938, for personal services as an officer or employee of the United States, any territory or possession or political subdivision thereof, the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, by any duly constituted taxing authority having jurisdiction to tax such compensation, *if such taxation does not discriminate against such officer or employee because of the source of such compensation.* (Italics ours.)

Soldiers' and Sailors' Civil Relief Act Amendments of 1942

Public Law 732—77th Congress

Chapter 581—2d Session

H. R. 7164

An Act

To amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, to extend the relief and benefits provided therein to certain persons, to include certain additional proceedings and transactions therein, to provide further relief for persons in military service, to change certain insurance provisions thereof, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That this Act may be cited as the Soldiers' and Sailors' Civil Relief Act Amendments of 1942.

* * * * *

Sec. 17. Article V of such Act is amended by adding at the end thereof the following:

“Sec. 514. For the purposes of taxation in respect of any person, or of his property, income, or gross income, by any State, Territory, possession, or political subdivision of any of the foregoing, or by the District of Columbia, such person shall not be deemed to have lost a residence or domicile in any State, Territory, possession, or political subdivision of any of the foregoing, or in the District of Columbia, solely by reason of being absent therefrom in compliance with military or naval orders, or to have acquired a residence or domicile in or to have become resident in or a resident of, any other State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia, while, and solely by reason of being, so absent. For the purposes of taxation in respect of the income or gross income of any such person by any State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia, of which such person is not a resident or in which he is not domiciled, compensation for military or naval service shall not be deemed income for services performed within, or from sources within, such State, Territory, possession, political subdivision or District. This section shall be effective as of September 8, 1939, except that it shall not require the crediting or refunding of any tax paid prior to the date of the enactment of the Soldiers' and Sailors' Civil Relief Act amendments of 1942.”

